

Decision No. 14618

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

City of Oakland, a Municipal Corporation,
Complainant,

vs.

Southern Pacific Company of Kentucky, a
Railroad Corporation, Southern Pacific
Railroad Company of California, a Rail-
road Corporation, and South Pacific Coast
Railway Company of California, a Railroad
Corporation,

Defendants.

ORIGINAL

Case 1487.

Leon E. Gray, for City of Oakland.
Elmer Westlake and E. J. Foulds and F. L.
Burckhalter for Southern Pacific Company, et al.
George E. Sheldon for the Uptown Association.
Oliver Kehrlein for Webster Street Improvement
Association.
Henry C. McPike for property owners on Franklin
Street and on Webster Street, etc.
Bessie Wood Gustason for The Business and Profession-
al Women's Club on Webster Street.
Alice M. Brookman for the Y. W. C. A. on Webster
Street.
M. Goldwater, property owner at Broadway and
Franklin Street.

BRINDICE, COMMISSIONER:

O P I N I O N

On the twenty-ninth day of September, 1924, the defendants in this proceeding filed a Supplemental Petition with this Commission in which authority is requested to abandon the defendants' station facilities and tracks in the block of land in the City of Oakland, California, bounded by Thirteenth, Fourteenth, Franklin and Webster Streets, and on the triangular piece of property at the southwest corner of Fourteenth and Franklin Streets; for authority to sell and convey said premises; for authority to abandon the existing

tracks, facilities and franchises of the defendants on Franklin Street, between Twentieth and Fourteenth Streets; and for authority in lieu thereof to accept an amendment to the defendants' existing franchise, or such additional franchise rights as may be necessary, for the purpose of relocating said tracks to a new location along Twentieth Street between Franklin and Webster Streets, and along Webster Street between Twentieth Street and the existing tracks of the defendants at or in the vicinity of Thirteenth and Webster Streets, including the right to construct any and all grade crossings involved in such new location, together with the right to operate jointly with said Key System Transit Company on the latter's tracks on Webster Street, between 20th and 14th Streets and in addition for authority to the Key System Transit Company to operate its street railway cars with the cars and trains of the defendants along the tracks heretofore the tracks of the defendants on Webster Street between 14th Street and 6th Street.

This Supplemental Petition was filed with the Commission as a result of an Order by the Commission dated August 6, 1924, reopening this proceeding for further hearing and suspending Decision No. 8604, dated January 27th, 1921, pending such further hearings and decision thereon. The order reopening this proceeding became effective only upon dismissal by the Supreme Court of the State of California of that certain action pending before it, and entitled "Southern Pacific Company et al, vs. Railroad Commission of the State of California, et al", and numbered S.F. 9818.

Public hearings in this proceeding, therefore, were held by the Commission on October 6, 14, 17 and 22, 1924. After the hearing on October 6, a Preliminary Order (Decision No. 14178 dated October 16, 1924) was issued by the Commission, granting defendants authority to abandon for purposes of operation and to sell and convey the triangular shaped parcel of real property on the southwesterly

corner of 14th and Franklin Streets, as the disposal of that particular property did not appear to interfere with the other issues before the Commission in this proceeding. The present decision, therefore, deals with these other issues.

It appears from the testimony that the proposals as to sale of real property and the rerouting of tracks as set forth above, were based on suggestions from Mayor John L. Davis, of Oakland, to the President of the Southern Pacific Company, and the plans set forth in the Supplemental Petition express the desires of the City authorities rather than the requests of the defendants.

The main issue in this proceeding appears to be the transfer of the block of land between Franklin and Webster, Thirteenth, and Fourteenth Streets from operative railroad property to business uses. The rerouting of railroad traffic is therefore a secondary condition made necessary by such transfer.

There was no opposition whatsoever apparent at any of the hearings by any of the parties as to the desirability of removing the existing trackage through this block of land and of releasing the land from railroad operation for development as business property. There did not appear to be any great amount of opposition to the transfer of street railroad operation from Franklin Street to Webster Street, but a very strong protest was voiced by property owners, business, and other associations interested in Webster Street against the operation on that street of the large type of cars used by the Southern Pacific Company on its suburban lines in its trans-bay traffic. Testimony shows that these large cars measure practically 11 feet in width over all by 72'9" in length over bumpers and that the motor cars weigh about 100,000 pounds complete, and the trailers 60,000 pounds complete. No objection was offered by protestants to the operation by Southern Pacific Company on Webster

Street from 14th Street to 20th Street, of street car service with a small type of car jointly with similar service by the Key System Transit Company's plan will require one down town street (Franklin Street). A very voluminous record of testimony was taken in this proceeding, most of which appears to have no direct bearing on the issue in this proceeding. The issue in this proceeding appears to be limited to a determination of whether the existing tracks and car service of Southern Pacific Company shall be removed from along the Franklin Street and replaced with service along Webster Street between 14th and 20th Street with joint operation with the Key System Transit Company along Webster Street between 14th and 20th Streets in order to make possible the releasing of the 14th Street terminal property for general business uses. The Southern Pacific Company was in. There appears to be no doubt as to the desirability of the sale by the defendants of the 14th Street terminal property. Testimony by all parties sustains such a sale. It remains to determine whether such sale is feasible without moving that service from Franklin to Webster Street, over Street, but to protect the operation of the line. Several other suggestions were offered by protestants with regard to alternate plans of rendering Southern Pacific service, but after careful consideration, these plans do not appear to be as feasible or as fully in accordance with the public interest as the plan proposed in the supplemental petition. Returning to the original plan proposed by defendants, it appears from the testimony that the service to be rendered the public on Webster Street will be practically an equivalent to the service now rendered on Franklin Street. The benefits to be derived by the plan may be summarized as follows:

- (1) It will permit the removal of tracks from the three parcels of land which will allow of their sale.
- (2) The joint operation on Webster Street will be one step

in this proceeding, should be made the subject of a separate proceeding.

O R D E R

Upon stipulation and agreement by the interested parties, and defendants herein having filed Supplemental Petition requesting the authorization of certain acts covering sale of property, routing of cars, etc., public hearings having been held thereon, the Commission being apprized of the facts, the matter being under submission and ready for decision,

IT IS HEREBY ORDERED that the Commission's Decision No. 8604 dated January 27, 1921, be and it is hereby revoked.

IT IS HEREBY FURTHER ORDERED that defendants herein be and they are hereby authorized to abandon for operative purposes and to sell and convey, either as a whole or in separate parcels, all that certain real property in Oakland, California, in the block bounded by 13th, 14th, Franklin and Webster Streets, more particularly shown on map (East Bay Division Northern 3563 Case M-47) attached to the Supplemental Petition.

IT IS HEREBY FURTHER ORDERED that defendants herein be and they are hereby authorized to discontinue the use of, take up and abandon all of their existing railroad tracks and facilities now existing between 20th and Franklin and 13th and Webster Streets and thereabouts; and to substitute therefor an equivalent service substantially along the route from 20th and Franklin Streets to 20th and Webster Streets and thence along Webster Street to a connection with the existing tracks of defendants at 13th and Webster Streets.

IT IS HEREBY FURTHER ORDERED that Southern Pacific Company purchase and place in operation before June 30th, 1925, on the proposed route via Twentieth Street and Webster Street, seven

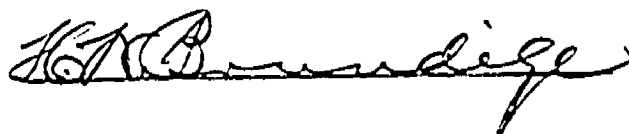
cars of a type not over nine feet in width at the eaves, and weighing not more than 95000 pounds complete with motors and trucks, and that the large type of car now operated shall be operated after that date only when exigencies of the service demand such operation, subject to further orders of the Commission in this regard.

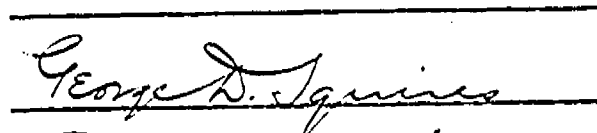
IT IS HEREBY FURTHER ORDERED that all regular and normal service on the proposed route via Twentieth and Webster Streets shall be rendered by Southern Pacific Company with cars not over nine feet in width and weighing not more than 85000 pounds complete with motors, on and after June 30th, 1927, subject to further orders by the Commission in this regard.

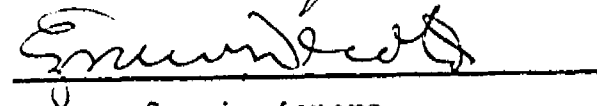
For all other purposes, the effective date of this order shall be twenty (20) days from and after the date hereof.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 3rd day of March, 1925.







Commissioners.